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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/025,266	12/18/2001	Roy Want	42390P12017	5688

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EXAMINER

NGUYEN, PHUOC H

ART UNIT PAPER NUMBER

2143

DATE MAILED: 06/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/025,266

Applicant(s)

WANT ET AL.

Examiner

Phuoc H. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 July 2005 and 15 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

In view of applicants' arguments in the appeal brief filed March 15, 2006, the last final action is withdrawn and PROSECUTION IS HEREBY REOPENED. New grounds of rejections are set forth below. The appeal brief fee may be applied to a future appeal in this application (if any).

Response to Amendment

This office action is in response to the previous amendment filed on July 18, 2005. Applicant amended claims 1, 2, 4, 5, 8-13, 15, 24, 28-34, and 36-37. Amendment filed on July 18, 2005 have been entered and made of record. Therefore, claims 1-37 are presented for further consideration and examination.

Response to Arguments

Applicant's arguments with respect to claims 1-37 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 7-20, and 24-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weiser et al. (Hereafter, Weiser) U.S. Patent 5,982,520 in view of Velasco et al. (Hereafter, Velasco) U.S. Patent 6,813,674.

Re claim 1, Weiser disclose in Figure 1-2 and 7 a portable memory device (e.g. abstract and any device in Figure 1 or a transceiver 46 in Figure 2) including: a wireless communication module to communicate with an access device in a wireless fashion (e.g. Figure 2 transceiver 46 and col. 4 lines 54-60); a data storage module to store bulk data (abstract lines 1-2); and a controller connected to the communication module and to tile data storage module, the controller controlling storage of data in the data storage module and retrieval of data from the data storage module in response to requests from a user via the access device (e.g. col. 2 lines 41-67 and col. 4 lines 60-65), the controller including a processor that operates in a standby mode when the device is not being used (e.g. col. 7 lines 40-65). Weiser fails to disclose a first and a second active mode, the processor being configured to have greater processing capabilities in the second active mode. However, Velasco discloses in the background of invention a system having a processor being operates in multiple modes including a first and a second active mode, the processor being configured to have greater processing capabilities in the second active mode (e.g. col. 1 lines 39 to col. 4 lines 5 wherein the first and second mode can be ON and SUSPEND mode). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention is made to add a first and a second active mode into the processor wherein the processor being configured to have greater processing capabilities in the second active mode as seen in Velasco's disclosure in the background of invention into Weiser's invention because it would enable to reduce the power consumption as appropriate (e.g. col. 1 lines 35-57).

Re claims 2 and 25, Weiser further discloses the wireless communication module is a radio frequency (RF) transceiver (col. 2 lines 25-30).

Re claims 3 and 26, Weiser further discloses the wireless communication module communicates using a standardized communication protocol (col. 2 lines 25-30).

Re claim 6, Weiser further discloses the controller includes a host control interface (HCI) to interface the controller to the wireless communication module in a serial fashion e.g. interface with pc in Figure 1).

Re claim 7, Weiser further discloses the HCI is a USB interface (col. 5 lines 15-20).

Re claims 8 and 32, Weiser further discloses the controller adjusts its processor to operate in one of at least two different modes dependent upon a type of the access device (col. 7 lines 40-65).

Re claim 9, Weiser further discloses the processor runs application software dependent upon the type of the access device (col. 7 lines 40-65).

Re claims 10 and 35, Weiser further discloses the wireless communication module operates in a dormant mode when not communicating with the access device, and in an active mode when communicating with the access device (col. 7 lines 40-65).

Re claims 11 and 37, Weiser further discloses the clock frequency of the processor is adjusted to a first clock speed for the first active mode and a second clock speed in the second active mode (col. 5 lines 5-15; and col. 7 lines 40-65).

Re claims 12,13,34, and 36, Weiser further discloses the supply voltage to the processor is provided at a first voltage for the first active mode and a second voltage for the second voltage for the second active mode, and a DVM (Dynamic Voltage Management) module for adjusting

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the processor voltage dependent upon whether the processor is in the standby mode, the first active mode, or the second active mode (col. 5 lines 5-15; and col. 7 lines 40-65).

Re claims 14, Weiser further discloses a rechargeable power supply for powering its various components, and a display to form a self-contained functional unit when not used in conjunction with the access device (Figure 1).

Re claim 15, Weiser discloses a plurality of access devices, each access device including at least a. wireless communication interface (Figure 1); and at least one portable memory device which includes a wireless communication module to communicate in a wireless fashion with the wireless communication interface of any one of the access devices when in proximity to the access device (Figures 1 and 2; and col. 4 lines 54-60); a data storage interface connected to a data storage module (abstract lines 1-2); and a controller connected to the communication module and to the data storage interface, the controller controlling storage of data in the data storage module and retrieval of data from the data storage module in response to requests from a user via any one of the access devices, the controller including a processor that operates in a standby mode when the device is not being used (e.g. col. 7 lines 40-65). Weiser fails to disclose a first and a second active mode, the processor being configured to have greater processing capabilities in the second active mode. However, Velasco discloses in the background of invention a system having a processor being operates in multiple modes including a first and a second active mode, the processor being configured to have greater processing capabilities in the second active mode (e.g. col. 1 lines 39 to col. 4 lines 5 wherein the first and second mode can be ON and SUSPEND mode). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention is made to add a first and a second active mode into the

processor wherein the processor being configured to have greater processing capabilities in the second active mode as seen in Velasco's disclosure in the background of invention into Weiser's invention because it would enable to reduce the power consumption as appropriate (e.g. col. 1 lines 35-57).

Re claim 16, Weiser further discloses the portable memory device communicates data stored in the data storage module exclusively via the access device (col. 5 lines 5-13).

Re claim 17, Weiser further discloses the data storage module is releasably connected to the data storage interface to allow a user to store and retrieve data from a connected data storage module via the access device in a wireless fashion (Figure 1; and abstract).

Re claim 18, Weiser further discloses the data storage module forms an integral part of the portable device, the device including a compact portable housing for housing its various components and modules (col. 4 lines 13-31).

Re claim 19, Weiser further discloses the portable device includes a power source including an attachment arrangement releasably to attach a power source to a complementary attachment arrangement of the housing (col. 4 lines 60 through col. 5 lines 4).

Re claim 20, Weiser further discloses the power source is a rechargeable battery source and the portable device includes a charger circuit, for charging the battery without removing it from the housing (col. 1 lines 35-45).

Re claim 24, Weiser discloses a wireless communication module to communicate with an access device in a wireless fashion (Figures 1 and 2; and col. 4 lines 54-60); a connector to connect to a data storage module which operatively stores bulk data (abstract lines 1-2; and col. 5, lines 15-20); and a controller connected to the communications module and to the connector,

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the controller controlling the storage of data in the data storage module and the retrieval of data from the data storage module in response to requests from a user via the access device the controller including a processor that operates in a standby mode when the device is not being used(e.g. col. 7 lines 40-65). Weiser fails to disclose a first and a second active mode, the processor being configured to have greater processing capabilities in the second active mode. However, Velasco discloses in the background of invention a system having a processor being operates in multiple modes including a first and a second active mode, the processor being configured to have greater processing capabilities in the second active mode (e.g. col. 1 lines 39 to col. 4 lines 5 wherein the first and second mode can be ON and SUSPEND mode). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention is made to add a first and a second active mode into the processor wherein the processor being configured to have greater processing capabilities in the second active mode as seen in Velasco's disclosure in the background of invention into Weiser's invention because it would enable to reduce the power consumption as appropriate (e.g. col. 1 lines 35-57).

Re claim 28, Weiser discloses providing a portable memory device which includes a wireless communication module (Figures 1 and 2; and col. 4 lines 54-60); sensing at a memory device when the memory device (Figure 1); establishing wireless communication with the access device through a wireless communications module of the memory device, communicating data between the memory device and the access device through the communication module; and the controller including a processor that operates in a standby mode when the device is not being used, and a first and a second active mode, the processor being configured to have greater

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processing capabilities in the second active mode (Figures 1 and 2; col. 2 lines 41-67; col. 4 lines 60-65; and col. 5 2nd paragraph).

Re claim 29, Weiser further discloses determining the processing capabilities of the access device and adjusting a level of processing by the processor between the first and the second active modes dependent upon the processing capabilities of the access device (col. 7 lines 40-55).

Re claim 30, Weiser further discloses includes running application software on the processor when the memory device has a greater processing capability than the access device e.g. standby mode running to reduce power when access device less active; (col. 7 lines 40-55).

Re claim 31, Weiser further discloses running application software on the access device when the access device has sufficient processing capabilities, and storing data in and retrieving data from the memory device as required by the application software (Figure 1; and col. 7 lines 40-60).

Re claim 33, Weiser further discloses includes operating the processor to drive a user display and control buttons of the memory device (Figure 7).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4,5, and 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weiser et al. (Hereafter, Weiser) U.S. Patent 5,982,520 and Velasco et al. (Hereafter, Velasco) U.S. Patent 6,813,674 as applied to claims 2 and 15 respectively above, and further in view of Barnard U.S. Patent 6,456,938.

Re claims 4 and 5, Weiser and Velasco disclose a wireless communication module to communicate with an access device in a wireless fashion; however, Weiser and Velasco fail to teach the communication module communicates using Bluetooth IEEE 802.15 technology, and Bluetooth hardware interacting with a Bluetooth software stack.

Barnard discloses communication module communicates using Bluetooth IEEE 802.15 technology, and Bluetooth hardware interacting with a Bluetooth software stack (Figure 1).

It would have been obvious to one of the ordinary skill in the art at the time of the invention was made to incorporate Barnard's teaching into Weiser's and Velasco's method to implement the Bluetooth technology to avoid interference from other signals by hopping to a new frequency after transmitting or receiving a packet.

Re claims 21-23, Weiser and Velasco discloses a data storage interface connected to a data storage module; however, Weiser and Velasco fail to teach the data storage module is a semiconductor memory selected from the group including a FLASH memory, DRAM memory and SRAM memory; a magnetic memory device in the form of a disk drive; and an optical storage device.

Barnard discloses the data storage module is a semiconductor memory selected from the group including a FLASH memory, DRAM memory and SRAM memory, a magnetic memory device in the form of a disk drive, and an optical storage device (col. 35 lines 22-25).

It would have been obvious to one of the ordinary skill in the art at the time of the invention was made to incorporate Barnard's teaching into Weiser's and Velasco's method to use a FLASH memory, DRAM memory and SRAM memory, a magnetic memory device, and an optical storage device as the data storage module to provide flexibilities and portability.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Kendall et al. U.S. Patent 4,775,928
- b. Fung U.S. Patent 6,859,882

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuoc H. Nguyen whose telephone number is 571-272-3919. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Phuoc H Nguyen
Examiner
Art Unit 2143

May 23, 2006


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